

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALISON PATRICIA TAYLOR,
on behalf of herself and all others
similarly situated,

Plaintiff,

Case No. 1:17-cv-11067

v.

Honorable Thomas L. Ludington
United States District Judge

CITY OF SAGINAW
and TABITHA HOSKINS,

Defendants.

/

STIPULATION GRANTING PLAINTIFF ATTORNEY'S FEES AND COSTS

The parties stipulate to the following and agree to entry of the attached order granting assessment of attorney's fees and costs:

1. This action, which sought monetary, injunctive, and declaratory relief against Defendants for alleged violations of the Fourth Amendment under 42 U.S.C. § 1983 arising from their practice of tire chalking to regulate vehicular parking, was commenced by Plaintiff on April 5, 2017. ECF No. 1.
2. The action raised entirely novel questions of constitutional law which were of first impression nationwide.
3. These questions were vigorously litigated for over five years between the parties with extensive complex motion practice before this Court and two separate appeals to the United States Court of Appeals for the Sixth Circuit.
4. This Court eventually certified a class action of all individuals similarly situated to Plaintiff. ECF No. 107.

5. This Court ultimately concluded through a final judgment that Defendant violated Plaintiff and the Class's Fourth Amendment rights by tire chalking, awarding Plaintiff and the Class declaratory relief and nominal monetary damages under 42 U.S.C. § 1983. ECF Nos. 127 and 128.

6. In its opinion and order granting summary judgment to Plaintiff and the Class, this Court directed Plaintiff to address assessment of attorney's fees and costs under 42 U.S.C. § 1988 by post judgment motion. ECF No. 127, PageID.2511. The deadline for the filing of that motion is October 7, 2022. ECF No. 130.

7. If the parties agree to the relief sought in a contemplated motion, then they can submit to this Court a stipulated order. E. D. Mich. L. R. 7.1(a).

8. Defendants have reviewed counsel's time and expense records which reflect more than 700 hours of time commitment and \$3,631.00 in expenses.

9. In lieu of further litigation, Defendant agrees to pay and Plaintiff agrees to accept an attorney's fee of \$200,000.00, of which \$1,000.00 shall be paid to Alison Taylor, and further reimburse for \$3,631.00 in expenses for a total of \$203,631.00. The parties jointly agree that this is a reasonable assessment of fees and costs under 42 U.S.C. § 1988.

10. The enforceability of this order is subject to the City of Saginaw's approval of the same on or before September 29, 2022. If this does not occur, then the parties stipulate and agree to a 14-day extension for Plaintiff to petition for fees and costs under 42 U.S.C. § 1988.

STIPULATED AND AGREED TO BY:

Dated: September 19, 2022

/s/ Philip L. Ellison

PHILIP L. ELLISON (P74117)
Attorney for Plaintiff
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Dated: September 19, 2022

/s/ Matthew E. Gronda

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Dated: September 19, 2022

/s/ Gregory W. Mair

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Dated: September 19, 2022

/s/ Kailen C. Piper

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ORDER AWARDING PLAINTIFF ATTORNEY'S FEES AND COSTS

This matter having come before this Court upon stipulation and agreement by and between the parties hereto through their respective counsel of record:

It is **ORDERED** the Defendant is **DIRECTED** to pay Plaintiff \$203,631.00 in attorney's fees and costs under 42 U.S.C. § 1988. This Order is contingent upon City Council for the City of Saginaw approving this payment **on or before September 29, 2022**.

Further, it is **ORDERED** that, if the City Council for the City of Saginaw does not approve this payment on or before September 29, 2022, then Plaintiff may petition for fees and costs under 42 U.S.C. § 1988 **on or before October 21, 2022**. Counsel shall promptly advise this Court if approval is not obtained.

Dated: September 20, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge